

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 369

AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 14-8-2-279.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 279.5. "Task force", for purposes of IC 14-25-14, has the meaning set forth in IC 14-25-14-1.**

SECTION 2. IC 14-25-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 14. Water Shortage Task Force

Sec. 1. As used in this chapter, "task force" refers to the water shortage task force established by section 2 of this chapter.

Sec. 2. (a) The water shortage task force is established for the following purposes:

- (1) To implement the 1994 water shortage plan when necessary.**
- (2) With the involvement of affected parties, to update, expand, and revise the 1994 water shortage plan to include a low flow and drought priority use schedule.**
- (3) To accomplish the following:**
 - (A) Establish procedures to monitor, assess, and inform the public about the status of surface and ground water shortages for all uses in all watersheds, especially shortages due to drought.**

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(B) Recommend a state policy on desired baseline flow maintenance for in-stream uses.

(C) Recommend a state policy for promoting water conservation.

(D) Prepare a biennial report on the status of current surface and ground water withdrawals in all Indiana watersheds that:

(i) distinguishes between consumptive and nonconsumptive withdrawals; and

(ii) notes areas of current or likely water shortage challenges based on current usage trends and current knowledge of hydrology.

(E) Collect information concerning illustrative past and current surface water and ground water allocation conflicts in the state and how conflicts have been resolved.

(4) To encourage units of local government to:

(A) pass ordinances that:

(i) promote water conservation; and

(ii) establish priorities of water usage during droughts, including suggested model ordinances for counties and municipalities; and

(B) publicize the need for local communities to be prepared for droughts.

(5) To prepare an annual report on progress in implementing the tasks listed in subdivisions (3) and (4).

(b) The task force shall provide the reports required under subsection (a) to:

(1) the water resources study committee established by IC 2-5-25-1; and

(2) the legislative council, in an electronic format under IC 5-14-6.

Sec. 3. (a) The task force consists of ten (10) individuals, not more than five (5) of whom may be members of the same political party, representing the following interests, appointed by the director for four (4) year terms:

(1) Key water withdrawal users, including the following:

(A) Public water supply utilities.

(B) Agriculture.

(C) Steam electric generating utility companies.

(D) Industrial users.

(2) Academic experts in aquatic habitat and hydrology.

(3) Municipalities.

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(4) Key stakeholders, including the following:

- (A) Environmentalists.**
- (B) Consumer advocates.**
- (C) Economic development advocates.**
- (D) The public.**

(b) The director shall serve on and is chairperson of the task force. The department shall provide staff support for the task force.

Sec. 4. (a) Each of the following state agencies shall designate a representative to advise the task force:

- (1) The department.**
- (2) The department of environmental management.**
- (3) The department of homeland security.**
- (4) The department of agriculture.**
- (5) The state department of health.**

(b) In addition to the representatives set forth in subsection (a), the director may invite representatives of other state and federal agencies as appropriate to advise the task force.

Sec. 5. The affirmative votes of a majority of the voting members of the task force are required for the task force to take action on a measure.

Sec. 6. At its first meeting, the task force shall establish:

- (1) a list of its activities; and**
- (2) the time frame under which it will implement the tasks listed in section 2(a)(3) and 2(a)(4) of this chapter.**

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "task force" refers to the water shortage task force established by IC 14-25-14-2, as added by this act.

(b) The director of the department of natural resources shall make appointments to the task force by July 1, 2006.

(c) Notwithstanding IC 14-25-14-3(a), as added by this act, the initial terms of the members of the task force are as follows:

- (1) Fifty percent (50%) of the members for a term of two (2) years.**
- (2) Fifty percent (50%) of the members for a term of four (4) years.**

The director of the department of natural resources shall designate whether a member is appointed to a term described in subdivision (1) or a term described in subdivision (2).

(d) The initial term of a member of the task force begins July 1, 2006.

(e) The task force shall complete an initial revision of the 1994

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water shortage plan that includes the elements set forth in IC 14-25-14-2, as added by this act, before July 1, 2009, and present the revised plan to the water resources study committee established by IC 2-5-25-1 for review.

(f) This SECTION expires July 1, 2010.

SECTION 4. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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